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In Memoriam

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IN MEMORIAM

JOHN D. O'REILLY, JR.¹
1908-1975

John D. O'Reilly, Jr. served Boston College Law School as a Professor of Law for a longer time than anyone in its history. Length of service does not alone represent, however, the quality and value of his service to this school, the legal profession, and the community. He was unique and valuable beyond measure.

John O'Reilly was born in 1908 and lived as a child in Washington, D.C., where his father was on the staff of Georgetown University. John himself attended Georgetown and received his Bachelor of Arts degree from that institution in 1928. In the fall of 1929 he became a member of the first entering class of Boston College Law School and graduated with the class, that of 1932. During this period he spent one year at Georgetown University Law School and served on the editorial staff of its law review. His law school record was extraordinary and he was accepted as Emmons Scholar at Harvard Law School in the fall of 1932. For Harvard to accept in its program a graduate of the first class of this law school attests to the extraordinary level of scholarly ability he demonstrated. After receiving his Masters of Law degree from Harvard in 1933, he joined the University of San Francisco Law School faculty. Although offered the position of dean there he returned east in 1936 and joined the faculty of Boston College Law School as Professor. During World War II, he served as Special Assistant to the Attorney General of the United States from 1942 to 1944, working primarily on antitrust matters. In 1944, he became the Regional Counsel of the Federal Public Housing Authority. He returned to Boston College Law School from that position in 1946, and remained here until his death. Although he retired formally in June of 1973, he continued to teach courses in Administrative Law and Advanced Constitutional Litigation until the late spring of 1975.

During the early 1950's, when McCarthy influence was at its height, Professor O'Reilly showed his strong commitment to constitutional principles, and his courage, in signing a statement strongly criticizing the unconstitutional behavior of the Senator and the deep effect it was having upon the political life, even survival, of this country. He was attacked by many who admired Senator McCarthy and great pressure was placed upon the university to terminate his employment. The university itself had the courage to resist this very extensive campaign against Professor O'Reilly, but the stand he took he asserted as a matter of principle, without thought of consequences,

¹ John D. O'Reilly, Jr., wrote the Constitutional Law Chapter for every volume of the *Annual Survey* from Volume 1 (1954) through Volume 19 (1972), except Volume 3 (1956), for which he wrote a chapter on Security and Mortgages.

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since the principle was so important to him.

This incident, probably even more than such activities as his five years service on the Massachusetts Constitutional Revision Commission and his legal writing, reveals the nature of his scholarship. Few law teachers have the quality of mind and the penetrating scholarship he brought to constitutional issues. His students and his colleagues benefited from his deep and insightful analysis of even the smallest points of constitutional law, and gained new vision of what superb constitutional analysis contained. Underlying, however, this amazing scholarship was an almost religious commitment to the Constitution and its basic philosophies. Those who chose—and many did—to explore law in his way observed not only a superb technician in the best scholarly sense, but a man to whom the constitution and the legal system were matters of deep faith. It was an awe-inspiring intellectual and emotional journey, and no one who followed his thought and belief could ever again be neutral or uncommitted on issues of such import.

I suppose no one is, in one sense, irreplaceable, but there are gifted men and women who leave a particular mark upon an institution and the broader society. They are models for others to emulate, they set the fine and challenging traditions, they are loving and devoted friends and co-workers. Such a man was John O'Reilly. We who knew him, not only as a writer and teacher, but also as a fellow scholar, never expect to see his particular type of wisdom and ability again.

RICHARD G. HUBER*

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